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BY CM/ECF AND HAND DELIVERY

The Honorable Jennifer L. Hall
United States District Court
844 North King Street
Wilmington, DE 19801

Re: Orca Security Ltd. v. Wiz, Inc., C.A. No. 1:23-cv-00758-JLH

Dear Judge Hall:

We write to update your Honor on ongoing proceedings before the USPTO. In the operative Second Amended Complaint filed October 10, 2023, Orca alleges that Wiz infringes six patents: U.S. Patent Nos. 11,663,031, 11,663,032, 11,693,685, 11,726,809, 11,740,926, and 11,775,326 (collectively, the “Asserted Patents”). All six patents are in the same patent family. Wiz has filed petitions for *inter partes* review (“IPR”) for all asserted claims in each asserted patent. *See* D.I. 80, 110, 126.

On December 9, 2024, the Patent Trial and Appeal Board granted institution of the first three IPR petitions covering the ’031, ’032, and ’685 patents asserted by Orca. The institution decisions are attached. The statutory deadline for a final written decision on these three IPRs is thus December 9, 2025. Trial in this matter is currently set for March 2, 2026. D.I. 90. The three asserted patents subject to the institution decisions include disputed terms at issue at this Court’s upcoming claim construction hearing on December 23, 2024.¹

The remaining three IPRs have upcoming institution deadlines on January 20, 2025, for the ’809 patent, February 17, 2025, for the ’926 patent, and February 19, 2025, for the ’326 patent. All six IPR petitions rely on the same primary prior art reference.

Given the institution decisions to date, the upcoming dates of institution for related patents with related asserted prior art, along with the fact discovery deadline of May 13, 2025 (D.I. 90), Wiz intends to move for a stay of the entire action (including Wiz’s counterclaims), in early January.

¹ This includes four terms that are only in the three instituted patents: (1) “(i) taking at least one snapshot, and (ii) requesting taking at least one snapshot of the virtual machine at rest,” in the ’031 patent; (2) “virtual machine,” in the ’031 and ’685 patents; (3) “Remedial Action,” in the ’031 and ’685 patents; and (4) “sensitive data,” in the ’685 patent.



Respectfully,

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)

cc: All Counsel of Record (CM/ECF)